



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: APRIL 9, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: PUEBLO MEDICAL IMAGING - OWNER: LIDO PARK, LLC

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0094-VAR1	Staff recommends DENIAL, if approved subject to conditions:	
24-0094-VAR2	Staff recommends DENIAL, if approved subject to conditions:	24-0094-VAR1
24-0094-SDR1	Staff recommends DENIAL, if approved subject to conditions:	24-0094-VAR1 24-0094-VAR2

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 25

NOTICES MAILED 210

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0094-VAR1 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variance (24-0094-VAR2) and Site Development Plan Review (24-0094-SDR1) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

24-0094-VAR2 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variance (24-0094-VAR1) and Site Development Plan Review (24-0094-SDR1) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.

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4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

24-0094-SDR1 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variance (24-0094-VAR1) and Variance (24-0094-VAR2) shall be required, if approved.
2. Conformance to the approved conditions for Plot Plan and Building Elevation Reviews [Z-0018-68 (15)] and (Z-0097-78) shall be required, except as amended herein.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All development shall be in conformance with the site plan date stamped 02/21/24 and building elevations date stamped 02/20/24, except as amended by conditions herein.
5. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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Public Works

8. If this temporary use continues beyond 2 years from date of approval of this action, in accordance with Section 2.2 of the City's Vision Zero Action Plan, the sidewalk adjacent to this site shall meet Public Right-of-Way Accessibility Guidelines (PROWAG) in accordance with code requirements of Title 13.56.040 to the satisfaction of the City Engineer. Grant any Pedestrian Access Easement needed to complete this requirement. Construction and easement requirements shall be completed within 60 days following the 2 year temporary use.
9. If this temporary use continues beyond 2 years from date of approval of this action, in accordance with code requirements of Title 13.56 and Section 2.2 of the City's Vision Zero Action Plan, remove all substandard offsite improvements and unused driveway cuts and replace with new improvements meeting Current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. Construction requirements shall be completed within 60 days following the 2 year temporary use.
10. If the trailer provides sanitary facilities, coordinate sewer connection at a size, depth, and location acceptable to the Sanitary Sewer Engineering Section of the Department of Public Works.

Fire & Rescue

11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Site Development Plan Review (24-0094-SDR1) to install a 408 square-foot modular building to an existing 11,386 medical office/clinic development at on 0.80 acres at 2622 and 2628 West Charleston Boulevard.

ISSUES

- The applicant has requested a Variance (24-0094-VAR1) to allow 27 parking spaces where 32 parking spaces are required for a parking impaired development. Staff recommends denial of the request.
- The applicant has requested a Variance (24-0094-VAR2) to allow a 34 percent lot coverage where 30 percent is the maximum allowed. Staff recommends denial of the request.
- The site currently consists of an existing 11,386 square-foot medical office. Staff has determined the subject site is parking impaired.
- All perimeter landscaping and access to the site will remain as previously approved.

ANALYSIS

The subject site is located on the northeast corner of Charleston Boulevard and Shetland Drive, within a C-D (Designed Commercial) zoning district and is subject to Title 19 development standards. In 1978 the subject site was originally rezoned and approved for an office use [via zoning case (Z-0097-78)]. In 1991, the Planning Commission approved Plot Plan and Building Elevation Reviews [Z-0018-68 (15) and (18)] for at 2622 and 2628 West Charleston Boulevard.

The subject site is currently developed with an 11,386 square-foot commercial building that is utilized as a medical office/clinic land use. Originally, subject site was approved for 38 parking spaces; however, the site was misrepresented. An approximately nine-foot wide by 97-foot long area of land on the on the northwest corner of the site is the property of the neighbor to the north and not part of the subject site. The approved land use entitlement illustrated ten parking spaces in this area of land, which could not and do not exist, as such there are 29 parking spaces on site. Also, pursuant to the most recently approved building permit (#C-256126) that was issued for tenant improvements for the current tenant (Pueblo Medical Imaging), the subject site was approved for 29 parking spaces. Staff has determined that pursuant to Title 19 development standards the subject site is parking impaired.

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The applicant has proposed to install a proposed 408 square-foot modular building on the northwest perimeter of the building within the interior parking lot area where the building has an indent that can accommodate the 48-foot by eight-foot, six inch structure without encroaching on a driveway. The submitted elevation drawings indicate the structure will be 13 feet, six-inches tall with a flat roof and light brown tan façade that will be painted to match the existing structure on the site. The applicant has indicated that the structure will be utilized to house an additional MRI machine.

The submitted justification letter states, “Pueblo Medical Imaging, has an established MRI practice operating at the abovementioned address in 2012. The practice has enjoyed steady growth over the past decade that has necessitated an additional MRI device. It should be noted that installation of this equipment within the aged building is costly as it would require multiple upgrades. The subject property was constructed in 1947 and has recently changed ownership. Demolition and reconstruction of the building is currently under consideration. In the interest of the practice’s consistency, Pueblo Medical Imaging would like to operate the additional machine from a mobile unit placed at the same address.”

The submitted site plan indicates the structure will cover an existing parking space located on the northwest perimeter of the building, which will reduce onsite parking by one space. In addition, the existing row of parking on the eastern perimeter of the site has been reduced from 11 parking spaces to 10 parking spaces. The removed parking space on the eastern perimeter is located on the northern end of the parking row and has been removed to provide better access to the existing trash enclosure located in the northeast corner of the site. As a result onsite parking has been reduced from 29 parking spaces to 27 spaces. In addition, pursuant to Title 19.12 parking requirements the addition of the proposed 408 square-foot building addition will require three additional parking spaces for the subject site, which would require a total of 32 parking spaces for the development. Since on-site parking requirements have not been met the applicant has requested a Variance (24-0094-VAR1) to allow 27 parking spaces where 32 parking spaces are required for a parking impaired development. Staff views the requested Variance as a self-imposed hardship and does not support the request.

In addition, the existing lot coverage with the existing 11,386 square-foot building and 34,848 square-foot lot size the current lot coverage is approximately 33 percent, which exceeds the allowable 30 percent lot coverage for the C-D (Designed Commercial) zoning district, which makes the site legally non-conforming. With the addition of the proposed 408 square-foot modular building the lot coverage will increase to approximately 34 percent. Due to this increase, the applicant has requested a Variance (24-0094-VAR2) to allow a 34 percent lot coverage where 30 percent is the maximum allowed. Staff views the requested Variance as a self-imposed hardship and does not support the request.

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The proposed development fails to comply with the minimum parking development standards outlined by Title 19.12 and approved Plot Plan and Building Elevation Review [Z-0018-68 (15) and (18)] and Title 19 lot coverage development standards for the proposed building addition to the subject site. As such, the required Variances for insufficient onsite parking and lot coverage that exceeds the maximum allowed further reinforce the unsuitability of this site for the proposed building addition, with the surrounding single-family residential dwellings to the north and commercial developments to west, south and east. Therefore, staff recommends denial of the project and all associated land use entitlement applications.

FINDINGS (24-0094-VAR1 and VAR2)

In accordance with the provisions of Title 19.16.140(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.16.140(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by over developing the subject site and not adhering to Title 19 parking and lot coverage development standards. Removing the proposed modular building from the site would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (24-0094-SDR1)

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

- 1. The proposed development is compatible with adjacent development and development in the area;**

The proposed development is not compatible with surrounding development in the area as evidenced by the requested Variances to address insufficient parking; and lot coverage that exceeds the maximum allowed; and will have a negative impact to the existing commercial developments and existing single-family dwellings in the surrounding area.

- 2. The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;**

The applicant has requested a Variance to address insufficient parking; and lot coverage that exceeds the maximum allowed, which are inconsistent with the development standards outlined in Title 19 and approved Plot Plan and Building Elevation Review [Z-0018-68 (15) and (18)]. Staff has determined the proposed project is not compatible with surrounding development in the area, and will not have a negative impact to the existing commercial developments and existing single-family dwellings in the surrounding area.

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

Access to the site will remain unchanged; site access is provided from Charleston Boulevard a 100-foot Primary Arterial, as designated by the Master Plan of Streets & Highways and Shetland Road a 60-foot Local Street as designated by Title 13. This street remains sufficient in size to accommodate the needs of the proposed use.

- 4. Building and landscape materials are appropriate for the area and for the City;**

The proposed modular building addition has been designed to match the existing structure with a building design and style which are appropriate for the subject location and is harmonious with buildings in the surrounding area.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The proposed building elevations are not unsightly or undesirable. The submitted elevation drawings indicate the structure will be 13 feet, six-inches tall with a flat roof and light brown tan façade that will be painted to match the existing structure on the site.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
11/15/78	The Board of City Commissioners approved a Rezoning (Z-0097-78) from R-E (Residence Estates) to C-D (Designed Commercial) with the proposed use of offices at 2622 West Charleston Boulevard.
08/17/83	The City Council denied a request for a Variance (V-0071-83) to allow two freestanding ground signs where only one is permitted and to allow 185 square-foot total sign area where 100 square-foot total sign area is permitted at 2628 West Charleston Boulevard. The Board of Zoning Adjustment recommended approval of the request.
05/28/91	The Planning Commission approved Plot Plan Building Elevation Reviews [Z-0018-68 (15)] and [Z-0018-68 (18)] for an office addition at 2622 and 2628 West Charleston Boulevard. Staff recommended approval.
08/18/05	A Code Enforcement case (CE-33765) was processed for trash/debris and high weeds and vegetation at 2628 West Charleston Boulevard. The case was resolved on 09/07/05.
04/18/12	The City Council approved a request for a General Plan Amendment (GPA-43991) to establish Redevelopment Area 2 and change the future land use designation on various parcels within the Redevelopment Area to Commercial or Mixed Use.
09/11/15	A Code Enforcement case (CE-159314) was processed for an urgent care facility operating where only a medical office is allowed at 2628 West Charleston Boulevard. The case was resolved on 10/15/15.

Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.	
10/14/15	The Department of Community Development - Planning Division administratively approved a request for a Minor Amendment (SDR-61338) of an approved Plot Plan Review [Z-0018-68 (15)] to redesign the site circulation on 0.80 acres at 2622 and 2628 West Charleston Boulevard.
01/14/20	The Planning Commission approved a request for a Variance (VAR-77905) to allow a lot size of 1,000 square feet where 18,000 feet is required and a lot width of 10 feet where 100 feet is required at 835 Shetland Road.
06/02/21	The City Council approved a request for a General Plan Amendment (21-0029-GPA1) to adopt the City of Las Vegas 2050 Master Plan and amend the City of Las Vegas General Plan from various categories to TOD-1 (Transit Oriented Development-1), TOD-2 (Transit Oriented Development-2), TOC-1 (Transit Oriented Corridor-1), TOC-2 (Transit Oriented Corridor-2), or NMXU (Neighborhood Center Mixed Use) within the City of Las Vegas.

Most Recent Change of Ownership	
04/20/22	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
1947	The original building was constructed.
08/23/89	A building permit (#89036682) was issued for a room addition at 2628 West Charleston Boulevard. The permit was finalized on 03/16/90.
07/02/91	A building permit (#91112374) was issued for on-site improvement at 2622 West Charleston Boulevard. The permit expired on 01/02/92.
	A building permit (#91112375) was issued for a building addition at 2622 West Charleston Boulevard. The permit was finalized on 03/26/92.
07/23/91	A building permit (#91114221) was issued for a masonry wall/fence at 2628 West Charleston Boulevard. The permit was finalized on 03/26/92.
07/30/91	A building permit (#91114868) was issued for a tenant improvement and addition at 2622 West Charleston Boulevard. The permit was finalized on 10/21/91.
02/19/92	A building permit (#92136669) was issued for interior tenant improvements at 2622 West Charleston Boulevard. The permit was finalized on 03/25/92.
03/30/04	A building permit (#4007061) was issued for a sign at 2628 West Charleston Boulevard. The permit was finalized on 05/10/04.
12/04/06	A business license (P55-00989) was issued for a Medical Office (Shah Russell J MD LTD) at 2628 West Charleston Boulevard. The license was marked out of business on 08/03/22.

Related Building Permits/Business Licenses	
12/17/07	A business license (P55-01130) was issued for a Medical Firm (University Urgent Care) at 2628 West Charleston Boulevard. The license was marked out of business on 05/19/22.
03/21/08	A business license (P55-01156) was issued for a Medical Office (Dipti R Shah MD LTD) at 2628 West Charleston Boulevard. The license was marked out of business on 08/03/22.
01/07/09	A building permit (#C-131024) was issued for a wall sign (Russell J Shah MD) at 2628 West Charleston Boulevard. The permit was finalized on 07/07/09.
04/05/12	A building permit (#C-202444) was issued for a tenant improvement at 2628 West Charleston Boulevard. The permit was finalized on 07/23/12.
06/14/12	A business license (C55-00451) was issued for a Clinic (Pueblo Medical Imaging) at 2628 West Charleston Boulevard. The license is still active.
	A business license (P55-01763) was issued for a Medical Firm (Pueblo Medical Imaging) at 2628 West Charleston Boulevard. The license is still active.
07/26/12	A building permit (#C-216447) was issued for a freestanding pole sign (Pueblo Medical Imaging) at 2628 West Charleston Boulevard. The permit was finalized on 09/09/14.
09/19/13	A building permit (#C-245106) was issued for tenant improvements (Pueblo Medical Imaging) at 2628 West Charleston Boulevard. The permit has not been finalized.
03/17/14	A building permit (#C-256126) was issued for a tenant improvement (Pueblo Medical Imaging) at 2628 West Charleston Boulevard. The permit was finalized on 06/23/14.
03/04/15	A building permit (#C-280656) was issued for replacing existing freestanding sign that was destroyed by accident (Shah/Pueblo Medical Imaging) at 2628 West Charleston Boulevard. The permit was finalized on 04/01/15.
10/04/18	A business license (G66-06704) was issued for a Clinic or Laboratory (University Urgent Care) at 2628 West Charleston Boulevard. The license was marked out of business on 05/19/22.

Pre-Application Meeting	
02/14/24	Staff met with the applicant and discussed the submittal requirements for a two Variances and Site Development Plan Review for a proposed building addition to an existing clinic / medical office development.

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Neighborhood Meeting
A neighborhood meeting was not required, nor was one held.

Field Check	
02/29/24	During a routine site visit staff observed a well maintained commercial development.

Details of Application Request	
Site Area	
Gross Acres	0.80

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Office, Medical or Dental	TOC-1 (Transit Oriented Corridor - High)	C-D (Designed Commercial)
North	Single-Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Office, Medical or Dental	TOC-1 (Transit Oriented Corridor - High)	C-D (Designed Commercial)
	Church/House of Worship		
East	Single-Family Detached (Vacant)	O (Office)	O (Office)
West	Convalescent Care Facility/Nursing Home	TOC-1 (Transit Oriented Corridor - High)	R-E (Residence Estates)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Charleston	Y
Rancho Charleston Land Use Study	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District - (175 Feet)	Y
CD-O (Designed Commercial Overlay) District	Y
RP-O (Rural Preservation Overlay) District	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area – Area 2	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to 19.08.065, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Setbacks - Modular Building			
• Front	25 Feet	130 Feet	Y
• Side	10 Feet	134 Feet	Y
• Corner	15 Feet	16 Feet	Y
• Rear	15 Feet	26 Feet	Y
Max. Lot Coverage	30 %	33 %	N*
Max. Building Height	Two Stories or 35 Feet	One Story or 13 Feet, 6 Inches	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	Screened	Y

*Existing Lot Coverage (11,386/34,848 = 0.326%) _ Proposed Lot Coverage (11,386 + 384 /34,848 = 0.337%)

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Charleston Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	100	Y
Shetland Road	Local Street	Title 13	60	Y

Pursuant to Plot Plan Reviews [Z-0018-68 (15)], (Z-0097-78) and Site Development Plan Review (SDR-61338), the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office, Medical or Dental (Existing)	2,000 SF	1:200	29*				
	9,386 SF	1:300					
Office, Medical or Dental (Proposed)	408 SF	1:175	2.33 (3)				
TOTAL SPACES REQUIRED			32		27		N*
Regular and Handicap Spaces Required			30	2	25	2	N*
Percent Deviation			16%				